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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
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13 PERFECT 10, INC., a California  
14 corporation,

Plaintiff,

15 vs.

16 RAPIDSHARE A.G., a corporation;  
17 CHRISTIAN SCHMID; BOBBY  
18 CHANG; and DOES 1 through 100,  
inclusive,

19 Defendants.

**CASE NO. 09-CV-2596 H (WMC)**

**ORDER DENYING  
DEFENDANTS' MOTION TO  
CONTINUE HEARING ON  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

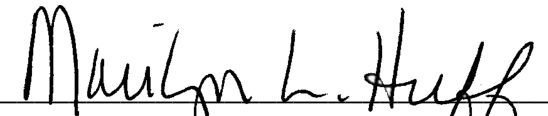
20 On November 18, 2009, Perfect 10, Inc. ("Plaintiff") filed a complaint against  
21 Rapidshare A.G., Christian Schmid, and Bobby Chang ("Defendants"). (Doc. No. 1.) On  
22 March 23, 2010, Defendants filed motions to dismiss for lack of personal jurisdiction and  
23 forum non conveniens. (Doc. Nos. 6 & 7.) On April 5, 2010, the Court issued an order  
24 submitting Defendants' motions on the parties' papers pursuant to Local Civil Rule 7.1(d)(1).  
25 (Doc. No. 8.) On April 11, 2010, Plaintiff filed a motion for preliminary injunction against  
26 Defendants. (Doc. No. 9.) A hearing on Plaintiff's preliminary injunction motion was set for  
27 May 12, 2010 at 1:30 p.m. in courtroom 13. On April 12, 2010, Defendants filed an ex parte  
28 motion to continue the hearing date for Plaintiff's preliminary injunction motion. (Doc. No.

12.) Defendants request a continuance of the hearing until thirty days after the Court rules on Defendants' motions to dismiss for lack of personal jurisdiction and forum non conveniens. (Id.) On April 13, 2010, Plaintiff filed a response in opposition to Defendants' motion to continue the hearing date. (Doc. No. 17.) On April 14, 2010, Defendants filed a reply in support of their motion to continue the hearing date. (Doc. No. 18.)

After considering the parties' arguments, the Court concludes that the hearing on Plaintiff's motion for preliminary injunction should remain set for May 12, 2010 at 1:30 p.m. and denies Defendants' motion to continue without prejudice. The parties should be prepared to address Defendants' motions to dismiss for lack of personal jurisdiction and forum non conveniens and Plaintiff's motion for preliminary injunction at the hearing.

**IT IS SO ORDERED.**

DATED: April 15, 2010

  
MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT